

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VANESSA RANGEL,

Plaintiff,

v.

CAROLYN W. COLVIN
Commissioner of Social Security,

Defendant.

No. 4:16-CV-5079-EFS

**ORDER GRANTING PARTIES'
STIPULATED MOTION FOR REMAND**

JUDGMENT: REVERSED AND REMANDED

Before the Court, without oral argument, is the parties' Stipulated Motion for Remand, ECF No. 17. The parties are asking the Court to remand the case back to the Appeals Council pursuant to 42 U.S.C. § 405(g). That section states in relevant part: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. 405(g). The parties seek remand for Appeals Council to first consider whether the records supports a finding of disability, and then, if necessary, remand the case to the Administrative Law judge in order to:

- 1 • further consider whether Plaintiff has an impairment or
- 2 combination of impairments that meets or medically equals a
- 3 listing, including listing 12.05C;
- 4 • reassess Plaintiff's residual functional capacity and in so
- 5 doing, evaluate the medical opinions provided by Dr. Comrie (Tr.
- 6 92-94), Dr. Cooper (Tr. 234- 240), Mr. Valdez, L.M.H.C. and Dr.
- 7 Drury (Tr. 389-414), and Physician Assistant Varada and Dr. Nand
- 8 (Tr. 378-379);
- 9 • further evaluate Plaintiff's subjective complaints;
- 10 • if the sequential evaluation proceeds to step five, obtain
- 11 supplemental vocational expert testimony to determine whether
- 12 there are a significant number of jobs in the national economy
- 13 that Plaintiff can perform;
- 14 • consider the additional evidence submitted to the Appeals
- 15 Council;
- 16 • give Plaintiff an opportunity for a hearing; and
- 17 • issue a new decision.

18 ECF No. 17. The Court agrees, and remands this case for further
19 proceedings. Upon proper presentation, the Court will consider
20 Plaintiff's application for attorney fees under the Equal Access to
21 Justice Act.

22 Accordingly, **IT IS HEREBY ORDERED:**

- 23 1. The parties' Stipulated Motion for Remand, **ECF No. 17**, is
- 24 **GRANTED.**

2. Pursuant to 42 U.S.C. § 405(g), this case is **REVERSED** and
REMANDED to the Social Security Administration for further
proceedings consistent with the parties' stipulation.

3. All pending motions are **DENIED AS MOOT**.

4. All hearings and other deadlines are **STRICKEN**.

5. **JUDGMENT** is to be entered in the Plaintiff's favor.

6. An application for attorney fees may be filed by separate
motion.

7. The case shall be **CLOSED**.

IT IS SO ORDERED. The Clerk's Office is directed to enter this
Judgment Order and provide copies to all counsel and to the Social
Security Administration.

DATED this 22nd day of November 2016.

s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge